

01  
02  
03  
04  
05  
06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09         UNITED STATES OF AMERICA,                   )  
10    )      CASE NO. MJ 11-431  
11         Plaintiff,                                      )  
12         v.    )  
13         ROQUE HERNANDEZ-CRUZ,                      )  
14         Defendant.                                    )  
15    )  
16    )

17         Offense charged:   Illegal Re-entry after Deportation

18         Date of Detention Hearing:   September 14, 2011.

19         The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
20         based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
21         that no condition or combination of conditions which defendant can meet will reasonably  
22         assure the appearance of defendant as required and the safety of other persons and the  
23         community.

24                   FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

25         1.         Defendant is reportedly a citizen of Mexico.

01       2.     The United States alleges that his presence in this country is illegal. There is an  
02 immigration detainer pending against him. The issue of detention in this case is therefore  
03 essentially moot, as the defendant would be released to immigration custody if not detained in  
04 this case.

05       3.     Defendant and his counsel offer no opposition to entry of an order of detention.

06       4.     Upon advice of counsel, defendant declined to be interviewed by Pretrial  
07 Services. Therefore, there is limited information available about him.

08       5.     There does not appear to be any condition or combination of conditions that will  
09 reasonably assure the defendant's appearance at future Court hearings while addressing the  
10 danger to other persons or the community.

11 It is therefore ORDERED:

- 12       1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
13 General for confinement in a correction facility separate, to the extent practicable, from  
14 persons awaiting or serving sentences or being held in custody pending appeal;
- 15       2. Defendant shall be afforded reasonable opportunity for private consultation with  
16 counsel;
- 17       3. On order of the United States or on request of an attorney for the Government, the  
18 person in charge of the corrections facility in which defendant is confined shall deliver  
19 the defendant to a United States Marshal for the purpose of an appearance in connection  
20 with a court proceeding; and
- 21       4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
22 for the defendant, to the United States Marshal, and to the United State Pretrial Services

01           Officer.

02           DATED this 14th day of September, 2011.

03  
04           

05           Mary Alice Theiler  
06           United States Magistrate Judge